

**City of Miami Beach - City Commission Meeting  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
April 10, 2002**

Mayor David Dermer  
Vice-Mayor Saul Gross  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

Called to Order at 9:23 a.m.

Inspirational Message given by Rabbi Solomon Schiff with the Rabbinical Association of Greater Miami. Although Rabbi Schiff was in attendance, the inspirational message was given via a video clipping of Rabbi Schiff giving the invocation in the United States Congress.

Pledge of Allegiance led by Chief De Lucca.

**CONSENT AGENDA**

PA1	<b>W</b> -Cert. of Apprec./Isabella Pozo, Holiday Inn S. Beach, "Going That Extra Mile Award." (Dermer)	1
PA2	<b>W</b> -Proclamation/E. Buchanan (Ex Herald Crime Reporter), University's Career Award. (Dermer)	
PA3	Proclamation/Declaring April 12, 2002 as "Senator Ron Silver Day."	
PA4	Cert. of Apprec./Property Management Div. Staff, for Receiving the "TOBY" Award.	
PA5	Proclamation/Caryn D. Vogel, In Honor of the 6 <sup>th</sup> Annual "A Night of HOPE." (Dermer)	
PA6	Resolution Establishing April 2002 as "Fair Housing Month."	3
PA7	<b>New Item:</b> Cert. of Apprec./S. Davidson, Contributing Film Clippings. (Dermer)	
PA8	<b>New Item:</b> Proclamation/Rabbi Schiff, Longest Serving Executive of Any Board of Rabbis. (Dermer)	
PA9	<b>New Item:</b> Cert. of Apprec./Kelly Mallette, In Helping of Passing the Fire Safety Bill. (Dermer)	
C4A	Ref: Transportation & Parking Committee - Expansion of Hours to Meter Time Limits.	6
C6A	Report: Community Affairs Committee Meeting of March 1, 2002.	8
C6B	Report: G.O. Bond Oversight Committee Meeting of March 4, 2002.	12
C6C	Report: Land Use & Development Committee Meeting of March 11, 2002.	14
C6D	Report: Finance & Citywide Projects Committee Meeting of March 19, 2002.	16
C7A	Execute Amendment to Agmt w/ Corradino Group, Extension of Time/Additional Services.	18

C7B	Reject Bid, Construction of Group "C" Parks: Fairway, Muss & Washington.	29
C7C	Amend Agmt w/ Zyscovich, Services for 17 <sup>th</sup> Street Surface Lots/City Center Study.	36
C7D	Issue RFQ, Design Services for Venetian Islands Neighborhood Improvement Project Phase I.	45
C7E	Set Public Hearing/Amendments to City Center Historic Convention Village Redevelopment.	50
C7F	Approve Placement of (10) Banners for Care Resource AIDS Walk, April 10-24, 2002.	63
C7G	Approve Placement of (30) Banners for Festival De Cine Argentino, April 10-24, 2002.	72
C7H	Set Public Hearing/Lease Agmt w/ Roma Waxing, Inc. of 777 17 <sup>th</sup> Street.	81
C7I	Authorize Contract w/ Idea Integration, Handheld Inspection System.	86
C7J	Waive Competitive Bid, For Inspection Processing & Permit Creation Interface Software. <b>5/7</b>	113
C7K	Waive Competitive Bidding, Upgrade of Parking Revenue Control Equipment. <b>5/7</b>	118
C7L	Execute Agmt w/ State of Florida, Designate CMB as Certified Local Government.	129
C7M	Set Public Hearing/Amend Code, "Zoning Districts And Regulations."	140
C7N	Accept Recommendation, Establishment of a JOC System.	147
C7O	Call for a Public Hearing, Consider Revocable Permit for 7747 Atlantic Way (Swedroe).	160
C7P	Execute Mgmt Agmt, Tennis Operations Services at Flamingo Park Tennis Center.	167

### **REGULAR AGENDA**

R2A	Issue PO, Purchase (93) Vehicles from Various Vendors, \$1,783,176.20.	236
R5A	<b>10:15 a.m. 2<sup>nd</sup> Rdg</b> , Amend No. 1605 Unclassified Employees Salary Ordinance.	241
R5B	<b>10:16 a.m. 2<sup>nd</sup> Rdg</b> , Amend No. 789 Classified Employees Salary Ordinance.	252
R5C	<b>10:17 a.m. 2<sup>nd</sup> Rdg</b> , Amend Code, "Agencies, Brds, & Committees" (Health Advisory Comm.).	259
R5D	<b>10:30 a.m. 1<sup>st</sup> Rdg</b> , Parking Structures/Residential Zoning Districts - Commercial Uses. <b>5/7</b>	266
R5E	<b>10:45 a.m. 2<sup>nd</sup> Rdg</b> , Prohibit Total Nudity at Alcohol Beverage Establishments. (Cruz)	279
R5F	<b>10:50 a.m. 2<sup>nd</sup> Rdg</b> , Amend Code, Posting Signs on Utility Company/Public Prop. Prohibited.	288
R5G	<b>11:00 a.m. 2<sup>nd</sup> Rdg</b> , Continuing Application for 2-Years After City Service. (Garcia)	297
R5H	<b>3:30 p.m. 2<sup>nd</sup> Rdg</b> , Amend Code, "Building Regulations."	299
R5I	<b>4:00 p.m. 1<sup>st</sup> Rdg</b> , Amendment to Correct Height & Number of Stories in C-PS Districts. <b>5/7</b>	360
R5J	<b>5:05 p.m. 2<sup>nd</sup> Rdg</b> , Review of Demolition of Historically Significant Single Family Homes. <b>5/7</b>	407
R5K	<b>5:35 p.m. 1<sup>st</sup> Rdg</b> , Amendment to the GC Golf Course District (La Gorce Golf Course). <b>5/7</b>	422
R5L	<b>2:15 p.m. 1<sup>st</sup> Rdg</b> , Amend No. 789, Class. Empl. Salary Ord. (Group IV, CWA & Local 3178).	445
R5M	<b>2:45 p.m. 1<sup>st</sup> Rdg</b> , (3) Ordinances Amending City Code, Governing "Lobbyists." (Bower/Smith)	464
R5N	<b>4:15 p.m. 1<sup>st</sup> Rdg</b> , Amend Code, "Street Performers and Art Vendors." (Bower)	480
R6A	Report: Joint Land Use & Development & BRTF Committee Meeting of April 1, 2002.	492
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R6C	Verbal Report: Finance & Citywide Projects Committee Meeting of April 8, 2002.	498
R7A	Execute Amendment, Provide Serv. for West Ave./Bay Road Neighborhood Streetscape Proj.	501
R7B	Execute Service Agmt, Biscayne Point Neighborhood Streetscape Project.	516
R7C	Approve Settlement of Lawsuit Styled <u>Met Construction vs. CMB</u> .	553
R7D	Execute Rate Order, Increase Cable Television Rate.	555
R7E	Issue RFP, Governmental Representation & Consulting Services.	561
R7F	<b>2:30 p.m.</b> Ratify 3-Year Labor Agmt w/ CWA & Local 3178, Oct. 1, 2000 to Sept. 30, 2003.	574
R7G	<b>Joint</b> , Award Contract to Tower Group, Construction of a CMB Regional Library.	657
R7H	Accept Recomm., Negotiate w/ LNR to Provide Assistance for its Relocation to Miami Beach.	<b>A</b>
R9A	<b>3:00 p.m.</b> Board And Committee Appointments.	675
R9B1	Stanley Sutnick Citizen's Forum.	731
R9B2	Stanley Sutnick Citizen's Forum.	731
R9C	<b>2:00 p.m.</b> Approve Request for Construction of Apartment Structure on Fisher Island.	733
R9D	Disc. Florida Sister City Program - Name Amendment. (Dermer)	739
R9E	Disc. Create a City Code Review Ad Hoc Committee. (Steinberg)	741
R9F	Disc. Ord. re: Preference in the Award of Contracts to MB-Based Vendors. (Smith)	745
R9G	Disc. Rental Motor Scooters. (Smith)	751
R9H	Disc. Convention Center Development Tax. (Smith)	753

R9I	Disc./Referral, Quality of Education Committee. (Bower)	755
R9J	Disc. Panhandling in Miami Beach. (Steinberg)	757
R9K	<b>4:30 p.m.</b> Disc. Status Report on the "63 <sup>rd</sup> Street Flyover." (Steinberg)	761
R9L	<b>10:40 a.m.</b> Disc. Approval of Pay Phone Kiosk on Public Property. (Garcia)	767
R9M	<b>4:45 p.m.</b> Disc. Revised Development Concept for 72 <sup>nd</sup> Street.	771
R9N	<b>3:45 p.m.</b> Disc. Mayor's Blue Ribbon Tourism Task Force - Residential Report. (Dermer)	<b>A</b>

### CITY ATTORNEY REPORTS

R10A	<b>Noon Break</b> , Executive Session: <u>Met Construction, Inc. vs. CMB.</u>	782
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### REPORTS AND INFORMATIONAL ITEMS

A	Parking Status Report.	785
B	Status Report On Fire Station No. 2.	815
C	Status Report On Fire Station No. 4.	817
D	Report on All City Contracts for Renewal/Extension Exceeding \$25,000.	821
E	Report on Memorial Day Weekend 2002 (May 23-27, 2002).	823
F	Report on 2002 Florida Legislative Session.	829
G	Public Hearings Before the Planning Board, April 23, 2002.	839
H	Status Report on Dialogue w/ RDP Royal Palm Crowne Plaza.	847
I	Analysis of Budget, Report of Financial Impact on FY 2001/02.	849

### REDEVELOPMENT AGENCY ITEMS

2A	Report of Itemized Revenues/Expenditures of RDA for February 2002.	1
2B	Monthly Report on Parking Operations, Anchor Shops & Parking for February 2002.	39
3A	<b>Joint</b> , Award Contract to Tower Group, Construction of a CMB Regional Library.	41

Requests for Additions, Withdrawals, and Deferrals.

Mayor Dermer commended City staff including Jorge Gonzalez, City Manager, the Legal Department, especially Deputy City Attorney Donald Papy, members of the City Commission who attended, and especially Police Chief Don De Lucca for the professionalism they displayed during the Holocaust Memorial event the night of April 9, 2002.

#### **10:45:51 a.m.**

Addendum items, R7H and R9N: Motion made by Commissioner Cruz to add these items as emergency items; seconded by Commissioner Bower; Voice vote: 7-0.

**PA - Presentations and Awards**

- PA1 Certificate Of Appreciation Presented To Isabella Pozo, Holiday Inn South Beach, In Recognition For Receiving The "Going That Extra Mile Award."  
(Requested By Mayor David Dermer)  
(Deferred From March 20, 2002)

**ACTION:** Withdrawn.

- PA2 Proclamation To Be Presented To Edna Buchanan, For Her Eighteen Years Of Covering Crime For The Herald News And Receiving The University's Career Award.  
(Requested By Mayor David Dermer)  
(Deferred From March 20, 2002)

**ACTION:** Withdrawn.

- PA3 Proclamation To Be Presented Declaring April 12, 2002 As "Senator Ron Silver Day."  
(Economic Development)

**ACTION:** Proclamation presented to Senator Ron Silver. The Mayor and City Commission thanked Senator Silver for his many years of outstanding service to the Miami Beach Community. Representative Dan Gelber also thanked Senator Silver

Senator Silver thanked the Commission and the citizens of Miami Beach for the privilege to serve the community.

- PA4 Certificates Of Appreciation To Be Presented To Property Management Division Staff, For Receiving The Building Owners & Manager's Association's 2002 "TOBY" Award For Excellence In Property Management.  
(Public Works)

**ACTION:** Certificates of Appreciation presented.

Fred Beckmann, Director of Public Works, explained that this is a significant award presented by BOMA for excellence in property management. This award signifies that Miami Beach City Hall is the best government office building in South Florida. Brad Judd and his staff should be commended.

Bradd Judd introduced and thanked his direct staff and the entire department for their contributions in earning this award. The following individuals were recognized: Ralph Moreno, Mike Tsakrios, Vernon Cash, Frank Diaz, John Gresham, John Toledo, Bruce Lamberto, Mattie Reisler, Charles Zarate, and John Oldenburg.

- PA5 Proclamation To Be Presented To Caryn D. Vogel, Esq., In Honor Of The 6<sup>th</sup> Annual "A Night Of HOPE," HIV-AIDS Fundraiser Event.  
(Requested By Mayor David Dermer)

**ACTION:** Proclamation presented.

Commissioner Steinberg stated that he attended law school with Caryn Vogel and expressed that this is a personal mission and a job that she does from the heart.

Caryn Vogel thanked the Commission for recognizing not her, but her clients. On behalf of her clients she thanked the Commission.

- PA6 A Resolution Establishing April 2002 As "Fair Housing Month" In The City Of Miami Beach.  
(Neighborhood Services)

**ACTION:** Item approve via the Consent Agenda. Resolution No. 2002-24825. Vivian Guzman to handle.

**New Item:**

- PA7 Certificate of Appreciation Presented To Steve Davidson For Contributing Film Clippings That Were Shown During Mayor Dermer's Address.  
(Mayor David Dermer)

**ACTION:** Certificate of Appreciation presented.

**New Item:**

- PA8 Proclamation Presented To Rabbi Schiff For His Community Chaplaincy Service Since 1926.  
(Mayor David Dermer)

**ACTION:** Proclamation presented.

**New Item:**

- PA9 Certificate Of Appreciation Presented To Kelly Mallette [Senator Silver assistant] In Helping Of Passing The Fire Safety Bill.

**ACTION:** Certificate of Appreciation presented.

Senator Silver thanked Ms. Mallette and recognized her tireless efforts, which played a key role in securing passage of fire safety legislation.

**New Item:**

Mayor Dermer introduced Deborah Kann Schwarzberg, who spoke on behalf of the Melanoma Foundation. She announced that a walk/run event, to raise the level of awareness of melanoma, is scheduled for Sunday, June 2 in Miami Beach. The event will start at Miami Beach High.

**ACTION:** Proclamation presented.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Garcia; Voice vote: 7-0.

**C4 - Commission Committee Assignments**

- C4A Referral To The Transportation And Parking Committee (TPC) To Review Potential Expansion Of Hours To Meter Time Limits.

(City Manager's Office)

**ACTION:** Referred. Saul Frances to place on Committee agenda and to handle.

**C6 - Commission Committee Reports**

- C6A Report Of The Community Affairs Committee Meeting Of March 1, 2002: **1)** Discussion Regarding Legislation (1) Prohibiting Anyone Involved In Election Campaign From Soliciting Contracts From The City Commission, (2) Prohibiting "Undisclosed Bundling" Of Campaign Contribution Checks, And (3) The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach; **2)** Discussion Regarding Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment; **3)** Special Events Policy Regarding Markets; **4)** Discussion Regarding Review And Recommendation On A Citizen's Request To Televis, On Government Channel 20, Meetings Of The City Commission Committees; **5)** Discussion To Review And Enhance The Banner Approval And Placement Criteria; **6)** Discussion Regarding The Use And Need Of The Nuisance Abatement Board; And **7)** Discussion To Review The Administration's Policy Of Requests Made By The Mayor Or A City Commissioner To Place An Item On The City Commission Agenda.

**ACTION:** Written report submitted.

1. Legal Department to prepare an ordinance regarding lobbyist fee disclosure and contingency fees.
2. Legal Department to revise ordinance.
3. Administration to meet with the merchants where the markets are held and discuss a methodology of permitting markets in the future. Such methodology should include the frequency, exclusivity, types and participation for the markets. **James Quinlan to handle.**
4. Not reached.
5. Not reached.
6. Police Chief De Lucca stated that the Police Department has been working with establishment to address the problems and recommended for NAB to remain.
7. Not reached.

- C6B Report Of The G.O. Bond Oversight Committee Meeting Of March 4, 2002: **1)** Projects Status Report; **2)** Recommendation To Appropriate Funds: (a) Normandy Isle Park And Pool Construction Appropriations; **3)** Informational Items: (a) Updated Calendar Of Scheduled Community Design Workshops; (b) Community Design Workshop #2 - Nautilus ROW Improvements; (c) Community Design Workshop #2 - Bayshore ROW

Improvements; (d) Community Design Workshop #2 - Flamingo/Lummus ROW Improvements; (e) Results Of Normandy Drive/71<sup>st</sup> Street Corridor Enhancements First FDOT Community Meeting; And **4)** Change Order Report.

**ACTION:** Written report submitted.

1a. The Committee passed a motion recommending that the Commission give an authorization of funding to Glatting Jackson, for architectural and engineering for the West Avenue/Bay Road Neighborhood to plan up to three east-west streets that are potential recommendations for GO Bond streetscape funding. The Administration will bring an item back to the Committee at its April 10, 2002 meeting with specific recommendations. **Tim Hemstreet to handle. (See Agenda item R7A on this Agenda).**

1b. The Administration informed the Committee that on March 18, 2002, there would be a groundbreaking ceremony for the North Shore Park & Youth Center project.

C6C Report Of The Land Use And Development Committee Meeting Of March 11, 2002: **1)** Discussion On Vessels Docked In Single Family Districts; **2)** Single Family Development Regulations; And **3)** Discussion On Inventory Of Street Ends.

**ACTION:** Written report submitted.

1a. Motion directing the Administration to prepare an ordinance that prohibits anyone from living aboard any boat, vessel or watercraft docked or moored at any single family or multi-family residential district. **Jorge Gomez to handle.**

1b. Motion to refer to the Marine Authority Board several questions outlined in the Commission Agenda for their review and recommendations. **Eric Wardle to handle.**

2. Discussion held. No action taken.

3. Motion to accept the Administration's recommendation to consider the sale of the two uniquely situated streetends to the adjacent property owners with the appropriate utility easements. **Fred Beckmann to handle.**

C6D Report Of The Finance And Citywide Projects Committee Meeting Of March 19, 2002: **1)** Discussion Relative To LNR Property Corporation Relocation To Lincoln Place.

**ACTION:** Written report submitted.

1 The Committee moved the item to the next scheduled Finance and Citywide Projects Committee meeting to review a revised Miami Beach Business Assistance Program. See Agenda item Addendum R7H.

**C7 - Resolutions****10:10:03 a.m.**

- C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Current Agreement Between The City And The Corradino Group (Formerly Known As Carr Smith Corradino) For Parks Master Plan Bond Program Sites Scott Rakow Youth Center; Flamingo Park; And Normandy Park; Said Amendment To Provide For An Extension Of Time And For Additional Services, In The Net Amount Of \$48,134, For The Projects; Also Deleting The Flamingo Park Renovation From The Scope Of Services.  
(Capital Improvement Projects)

**ACTION:** Item separated for discussion by Vice-Mayor Gross.

**Resolution No. 2002-24805 adopted with the Agreement to be amended with a provision that their work and supervisory oversight is to be completed with no more increases.** Motion made by Vice-Mayor Gross; seconded by Commissioner Cruz; Voice vote 7-0. Tim Hemstreet to handle.

Vice-Mayor Gross stated that everyone would like to see most of the money going for hard cost such as construction. Now because of the way the contract was originally designed, the City has to pay more money due to delays. He objects to this payment, but there is really nothing that can be done. He just wants the City Manager's assurance on the record that this will not happen again.

Jorge Gonzalez, City Manager, assured the Commission that this is the last of this type of contracts. The front-end documents have been changed as part of the CIP program. Also the Administration has been aggressively negotiating not just the terms and conditions of contract, but also the fees associated with the contract. This is to reduce the soft costs and ensure that the bulk of the dollars will go to hard costs. Unfortunately there are still some of the older contracts which this Administration still need to deal with, but future contracts have not-to-exceed clauses.

Commissioner Garcia inquired as to what type of contract is being used with Fire Station 2. Jorge Gonzalez, City Manager, stated that he believes Fire Station 2 is a construction-manager-at-risk agreement where the contract will give the City a guaranteed price regardless of any unforeseen conditions.

Commissioner Garcia added that Fire Station #2 activities seem to have stalled. **Tim Hemstreet to handle.**

Commissioner Smith is concerned with \$21,000 associated with the Normandy Isle Pool, and asked if this money is due to the delay to redesign the plans because they were not done correctly the first time. Tim Hemstreet replied that the entire extension of time being give is associated with the overhead for the company and not necessarily for direct design services. The original agreement was for a specific term that was supposed to end in December 2000.

Vice-Mayor Gross stated that this should be approved, but this is the last fee increase, even if there are delays in completing the Normandy Pool.

Commissioner Bower stated that since there is already a contract, how will this motion impact the existing contract.

Jorge Gonzalez, City Manager, stated that if the City discovers an unforeseen condition that the A & E would not be involved in resolving that their contract might toll.



Commissioner Smith stated that this agreement is for supervisory responsibilities. If there is not work going on than there is nothing to supervise; therefore, their supervisory work should stop.

Murray Dubbin, City Attorney, stated that the intent of the Commission's motion would be incorporated in the contract.

**10:27:00 a.m.**

C7B A Resolution Authorizing The Administration To Reject The Only Bid Received In Response To Invitation To Bid No. 41-00/01, For The Construction Of The Group "C" Parks Comprised Of: Fairway, Muss And Washington Parks.

(Capital Improvement Projects)

**ACTION:** Item separated for discussion by Vice-Mayor Gross.

**Resolution No. 2002-24806 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote 7-0. Gus Lopez to notify bidders. Tim Hemstreet to handle.

Vice-Mayor Gross stated he is concerned about the City getting responsive bids. 1,741 contractors were notified, 61 requested plans and specifications, and only one submitted a bid. This is contract for about \$1.6 million with only one bidder. He stated that the City must try to encourage more responsible bidders.

Commissioner Garcia stated that DemandStar by Onvia is performing unsatisfactorily.

Jorge Gonzalez, City Manager, stated that the Administration is constantly trying to find ways to encourage the competitive bidding process. He asked the Procurement Department to look at the Bid Documents to make sure that there is nothing in the documents which maybe seen as obstacles that prohibits bidders from responding. The Administration also supplements DemandStar by notifying bidders and is also focusing on paying vendors in a timely fashion, so they will not hesitate to bid.

Commissioner Smith stated that he believes that the reason only one bidder submitted his bid for this project is that there were three (3) different parks located in three (3) different areas of the City. He stated that if the bids had been separated, there would have been more bidders.

Jorge Gonzalez, City Manager, stated that he may be right but if the project is too small to bid separately, this is also a problem. There is always the problem of how much of a bid package is sufficient to attract bidders. If the bid is too small it doesn't attract the medium size companies. The Job Order Contracting (JOC) (C7N) will help.

Commissioner Garcia asked the Administration to prepare an L.T.C. on the effectiveness of DemandStar services. **Gus Lopez to handle.**

Carter McDowell spoke on behalf of Regosa Engineering.

- C7C A Resolution Authorizing Amendment No. 1 To The Agreement Between The City And Zyscovich, Inc. For Services For The 17th Street Site Surface Lots/City Center Utilization Study And Master Plan, To Include In The Scope Of Services The Capital Development Activities Of The Adjacent Bayshore Civic Area, Which Includes, But Is Not Limited To, The Public Works Yard; Fire Station #2; The Par-3 Golf Course; Scott Rakow Youth Center; And The 23rd Street Bridge; And, More Specifically, Authorizing A Site And Sequencing Analysis And Master Plan To Be Funded, In The Amount Of \$45,000, From The Architecture And Engineering Portion Of The Public Works Yard Project Budget, Financed By 1999 General Obligation Bond Funds.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2002-24807 adopted.** Tim Hemstreet to handle.

- C7D A Resolution Authorizing The Administration To Issue A Request For Qualifications For Design And Construction Administration Services Needed To Complete The Venetian Islands Neighborhood Improvements Project, Phase 1, With Funding From The Series 2000 General Obligation Bond Fund; The Series 2000 Stormwater Revenue Bond Fund; And The Series 2000 Water And Sewer Bond.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2002-24808 adopted.** Gus Lopez to issue RFQ. Tim Hemstreet to handle.

- C7E A Resolution Setting A Public Hearing, Pursuant To Section 163.361, Florida Statutes, During The Regularly Scheduled Meeting Of The Miami Beach Redevelopment Agency (RDA), On Wednesday, May 8, 2002, At 10:00 A.M., To Consider Adopting A Resolution Of The Chairman And Members Of The RDA, Recommending Approval Of Amendments To The City Center Historic Convention Village Redevelopment And Revitalization Area Plan, An Approved Redevelopment Plan Under The Provisions Of Sections 163.360, Florida Statutes; Said Amendments A) Providing That The Plan Incorporate, By Reference, The Preliminary Proposed Master Plan For The 17<sup>th</sup> Street Surface Lots, Prepared By Zyscovich, Inc., Dated September 21, 2001; And B) Developing And Implementing Community Policing Innovations Within The District, As Provided For In Sections 163.340, 163.350, 163.356, 163.360, 163.361, And 163.370, Florida Statutes.  
(City Manager's Office)

**ACTION: Resolution No. 2002-24809 adopted.** Public hearing scheduled for May 8, 2002 at 10:00 a.m. R. Parcher to notice. Lilia Cardillo to place on the agenda. Christina Cuervo to handle.

City Clerk's Note: 4/12/02 Per Raul Aguila, First Assistant City Attorney, and Kent Bonde, Redevelopment Agency, the scheduled public hearing is being cancelled because of wording changes.

- C7F A Resolution Approving And Authorizing The Placement Of Ten (10) Banners For The Care Resource Aids Walk, To Be Held April 21, 2002, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; 17th Street, On The North East Corner Of Convention Center Drive; Washington Avenue, Center Pole Between 5<sup>th</sup> And 6<sup>th</sup> Street; Washington Avenue, Center Pole Between 8<sup>th</sup> And 9<sup>th</sup> Street; Washington Avenue, Center Pole Between 11<sup>th</sup> And 12<sup>th</sup> Street; Washington Avenue, Center Pole Between Española Way And 15<sup>th</sup> Street; And Washington Avenue, Center Pole Between 15<sup>th</sup> And 16<sup>th</sup> Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than April 10, 2002, And Removed By April 24, 2002.  
(Cultural Affairs & Tourism Development)

**ACTION: Resolution No. 2002-24810 adopted.** James Quinlan to handle.

- C7G A Resolution Approving And Authorizing The Placement Of Thirty (30) Banners For The Festival De Cine Argentino, To Be Held April 12 Through April 20, 2002, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; 5<sup>th</sup> Street, From Alton Road To Ocean Drive; Alton Road, From 17<sup>th</sup> Street To 15<sup>th</sup> Street; Collins Avenue, From 5<sup>th</sup> Street To 21<sup>st</sup> Street; And Collins Avenue, From 71<sup>st</sup> Street To 87<sup>th</sup> Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than April 10, 2002, And Removed By April 24, 2002.  
(Cultural Affairs & Tourism Development)

**ACTION: Resolution No. 2002-24811 adopted.** James Quinlan to handle.

- C7H A Resolution Setting A Public Hearing On May 8, 2002, To Hear Public Comment Regarding A Lease Agreement With Roma Waxing, Inc., For The Lease Of Approximately 1350 Square Feet Of City-Owned Property Located At 777 17<sup>th</sup> Street, Miami Beach, Florida; Further To Consider Waiver, By 5/7ths Vote, Of The Competitive Bidding Requirement; As Required By Section 82-39 Of The Miami Beach City Code.  
(Economic Development)

**ACTION: Resolution No. 2002-24812 adopted.** Public hearing scheduled for May 8, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Christina Cuervo to handle.

- C7I A Resolution Authorizing A Contract With Idea Integration, In The Amount Of \$209,135, Pursuant To Request For Proposals (RFP) No. 44-00/01, For A Handheld Inspection System.  
(Finance Department)

**ACTION: Resolution No. 2002-24813 adopted.** Kay Randall to handle.

- C7J A Resolution Waiving By 5/7ths Vote, The Competitive Bid Requirements Finding Such Waiver To Be In The Best Interest Of The City, For The Purchase Of A Connect And Datax From Accela, In The Amount Of \$42,000, For Inspection Processing And Permit Creation Interface Software For The 'Permits' Plus System, With Licenses For 32-35 Concurrent Users.  
(Finance Department)

**ACTION: Resolution No. 2002-24814 adopted.** Kay Randall to handle.

- C7K A Resolution Authorizing, By 5/7ths Vote, The Waiver Of Formal Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Administration To Negotiate A Purchase Order With Royce Parking Control Systems, Inc., South Florida's Sole Distributor Of Federal A.P.D. Parking Equipment, In An Amount Not To Exceed \$132,262, For The Upgrade Of Software/Hardware Of Parking Revenue Control Equipment, Fee Computers, Including The Initiation Of "Smart Card" Acceptance At All Said Facilities; Approving An Appropriation And Establishing A Work Order From Parking Revenue Bond Fund No. 481, In The Amount Of \$96,849, For Parking Enterprise Fund Facilities; An Additional Amount Of \$6,740 Is Available From 7th Street Garage Fund Budget Account No. 142.6976.000342; And An Appropriation From Redevelopment Agency (RDA) Account No. 463.1990.101201, In The Amount Of \$28,673, For The 16th Street [Anchor] Garage.  
(Parking Department)

**ACTION: Resolution No. 2002-24815 adopted.** Patricia Walker to appropriate the funds. Saul Frances to handle.

- C7L A Resolution Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach And The State Of Florida Designating The City Of Miami Beach As A Certified Local Government.  
(Planning Department)

**ACTION: Resolution No. 2002-24816 adopted.** Jorge Gomez to handle.

- C7M A Resolution Setting A Public Hearing To Consider A Proposed Amendment To The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article III, "Overlay Districts," By Adding Division 5, "West Avenue Bay Front Overlay," Section 142-842, "Location And Purpose," Section 142-843, "Compliance With Regulations," Section 142-844, "Residential Office Overlay Area," Section 142-845, "Suites Hotel And Bed And Breakfast Inn Overlay Area," Section 142-846, "Off-Street Parking Regulations."  
(Planning Department)

**ACTION: Resolution No. 2002-24817 adopted.** Public hearing scheduled for May 8, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

**10:43:44 a.m.**

- C7N A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 49-00/01, For The Establishment Of A Job Order Contracting (JOC) System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of The Gordian Group, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of URS.  
(Public Works)

**ACTION:** Item separated for discussion by Vice-Mayor Gross.

**Resolution No. 2002-24818 adopted as amended.** Motion made by Vice-Mayor Gross authorizing the Administration to negotiate with the top ranked firm only; seconded by Commissioner Smith; Voice vote 7-0. Fred Beckmann and Gus Lopez to handle.

Vice-Mayor Gross expressed concern that URS is the second ranked bidder and they are also one of the City's contractors.

Commissioner Smith stated that he thought that in URS's contract there were guidelines precluding the City's contract managers from bidding on City projects.

Jorge Gonzalez, City Manager, stated that they are precluded from bidding on A & E work. If this is a concern then the resolution can be amended to authorize the Administration to negotiate with the top ranked firm only.

- C7O A Resolution Calling For A Public Hearing On May 8, 2002, To Consider The Revocable Permit Request By Mr. Robert Swedroe, To Retain Part Of A Wrought Iron Fence, A Circular Concrete Paver Driveway And Irrigated And Lighted Landscaping At The Street End Of 78<sup>th</sup> Street, East Of Atlantic Way, Adjacent To The Permittee's Property Located At 7747 Atlantic Way.  
(Public Works)

**ACTION: Resolution No. 2002-24819 adopted.** Public hearing scheduled for May 8, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

- C7P A Resolution Authorizing The Mayor And City Clerk To Execute A Management Agreement, In A Form Substantially Attached, By And Between The City Of Miami Beach And Green Square, Inc. For The Comprehensive Professional Tennis Management And Operations Services At The City's Flamingo Park Tennis Center, In Accordance With Request For Proposals (RFP) No. 8-00/01; Said Agreement Shall Have An Initial Term Of Three (3) Years, Commencing On April 15, 2002, And Expiring April 14, 2005, With Options To Renew For Two Additional One Year Terms, On A Year-To-Year Basis, As Provided In The Agreement; Including An Option For The City To Terminate Said Agreement, At The City's Convenience And Without Cause At The Conclusion Of The Second Year Of The Initial Term And A 90-Day Notice/Suspension Clause Based On The Closure Of The Flamingo Tennis Center For Planned Construction/ Renovations.  
(Parks & Recreation)

**ACTION: Resolution No. 2002-24820 adopted.** Kevin Smith to handle.

**End of Consent Agenda**

**REGULAR AGENDA**

**R2 - Competitive Bid Reports****09:55:52 p.m.**

R2A Request For Approval To Issue Purchase Orders To Various Vendors For The Purchase Of Ninety-Three (93) Vehicles In The Amount Of \$1,783,176.20, Pursuant To Florida State Contract No. 01-09-0905.

(Fleet Management)

**ACTION: Award approved.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 7-0. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

**R5 - Ordinances****1:50:13 p.m.**

R5A An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance; Increasing On The First Pay Period Starting May 1, 2002, The Minimum Of The Ranges By 4% And The Maximum Of The Ranges By 4.755%; Providing For A Repealer, Severability, Effective Date And Codification. **10:15 A.M. Second Reading, Public Hearing.**

(Human Resources)

(First Reading On March 20, 2002)

**ACTION:** Public Hearing held. **Ordinance Number 2002-3356 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. T. C. Adderly to handle.

Handout or reference materials:

1. Miami Herald Ad

**1:51:16 p.m.**

R5B An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, For Classifications In Group VI, Being Other Classifications In The Classified Service Not Covered By A Bargaining Unit; Increasing On The First Pay Period Starting May 1, 2002, The Minimum Of The Ranges By 4% And The Maximum Of The Ranges By 4.755%, To Reflect The Current Classification And Pay System; Providing For A Repealer, Severability, Effective Date And Codification.

**10:16 A.M. Second Reading, Public Hearing**

(Human Resources)

(First Reading On March 20, 2002)

**ACTION:** Public Hearing held. **Ordinance Number 2002-3357 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. T. C. Adderly to handle.

Handout or reference materials:

1. Miami Herald Ad

**1:52:26 p.m.**

R5C An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article III Thereof Entitled "Agencies, Boards, And Committees"; By Amending Division 9 Thereof Entitled "Health Advisory Committee"; By Amending Section 2-81 (d) Entitled "Composition" By Amending The Membership Of The Board To Eliminate A Member From The Miami Heart Institute And Adding An Additional Board Member Which May Be A Representative From An Assisted Living Facility; Providing For Repealer; Codification; Severability, And An Effective Date.

**10:17 A.M. Second Reading, Public Hearing**

(Human Resources)

(First Reading On March 20, 2002)

**ACTION:** Public Hearing held. **Ordinance Number 2002-3358 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. T. C. Adderly and R. Parcher to handle.

Handout or reference materials:

1. Miami Herald Ad

**10:12:20 a.m.**

- R5D Parking Structures In Some Residential Zoning Districts To Serve Commercial Uses  
An Ordinance Amending Chapter 130, "Off-Street Parking" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 130-68, "Commercial And Non-Commercial Parking Garages"; To Include Provisions For Allowing Non-Residential Use Of Certain Parking Garages In RM-1 Districts, And Allowing Ground-Floor Commercial Uses Within Certain Parking Garages In RM-2 Districts; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **10:30 A.M. First Reading, Public Hearing.**  
(Planning Department)  
(Continued From February 20, 2002)

**ACTION: Public Hearing opened and continued to May 8, 2002 at 10:30 am.** Motion made by Commissioner Steinberg to open and continue; seconded by Vice-Mayor Gross; Voice vote: 5-0: Absent: Commissioners Cruz and Garcia. Lilia Cardillo to place on the Commission agenda. Jorge Gomez to handle.

**1:53:52 p.m.**

- R5E An Ordinance Amending Chapter 6 Of The Miami Beach City Code Entitled "Alcoholic Beverages," By Amending Section 6-40 Thereof Entitled "Total Nudity And Sexual Conduct Prohibited," By Adding Subsection (C) To Provide That Adult Entertainment Establishments Permitting Total Nudity Under Current Adult Entertainment Occupational Licenses That Obtain An Alcoholic Beverage License Shall Be Exempt From The Provisions Prohibiting Total Nudity At Alcoholic Beverage Establishments Under Section 6-40; Providing For Repealer, Severability, Codification, And Effective Date.  
**10:45 A.M. Second Reading, Public Hearing.**  
(Requested By Commissioner Simon Cruz)  
(Continued From February 20, 2002)

**ACTION:** Withdrawn by Commissioner Cruz. The Administration will prepare an amended ordinance. Jorge Gomez to handle.



**1:55:02 p.m.**

R5F An Ordinance Amending Chapter 82 Of The Miami Beach City Code Entitled "Public Property" By Amending Section 82-412 Thereof Entitled "Posting Of Signs On Utility Company Property Or Public Property Prohibited; Enforcement; Fines; Appeal"; By Amending Subsection (A) And (F) Thereof To Provide For The Enforcement Of And Penalties For Illegal Signs In The Right-Of-Way Affixed Or Secured; Providing For Codification, Repealer, Severability, And An Effective Date.

**10:50 A.M. Second Reading, Public Hearing.**

(Neighborhood Services)  
(First Reading On March 20, 2002)

**ACTION:** Public Hearing held. **Ordinance Number 2002-3359 adopted as amended.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Vivian Guzman to handle.

Vice-Mayor Gross stated that in this case the property owners who are completely unaware of the posting of handbills tenants and have no control over the tenants in this matter, should not be held responsible.

Murray Dubbin stated that the key to the amendment is knowledge and approval of an illegal act. A landlord who has not approved a tenant to post signs, would not be responsible.

Commissioner Steinberg stated that another amendment should be added: "without knowledge, approval or benefit".

Jorge Gonzalez, City Manager, asked the Legal Department to explain how does the City defend "benefit"?

**The amended language should be: Section 82-412 (a) at the end of the paragraph add the following: "a lessor (or sublessor) of premises which are the subject of an illegal sign without the knowledge or approval or benefit of such lessor (or sublessor) shall not be liable for violations under this ordinance".**

Commissioner Bower accepted the amendment.

Robert Middaugh, stated that the current standard is the benefactor of. It's the burden of proof on the City to show that somebody benefited. If they benefited and the sign is in violation they are cited. An either/or interpretation makes it more difficult to prosecute a violator.

Handout or reference materials:

1. Miami Herald Ad

- R5G An Ordinance Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment; Providing For Repealer, Severability, Codification, And Effective Date.  
**11:00 A.M. Second Reading, Public Hearing.**

(Requested By Commissioner Luis R. Garcia, Jr.)

(Continued From March 20, 2002)

**ACTION: Withdrawn by Commissioner Garcia.** See R6B Community Affairs Committee meeting of April 2, 2002, Item #1. R. Parcher to confirm with Commissioner Garcia.

**9:59:30 p.m.**

- R5H An Ordinance Amending Chapter 14 Of The Miami Beach City Code, Entitled "Building Regulations," By Amending Chapter 14 To Provide For A Part I Which Will Contain The Current Construction Standards And By Making The Current Construction Standards Applicable To Permits Applied For Before March 1, 2002; By Creating A Part II To Chapter 14 Which Will Adopt The Florida Building Code And Provide For Construction Standards To Be Applicable To Permits Applied For On Or After March 1, 2002; And By Amending The Fee Schedule Set Forth In Appendix A To The City Code To Provide Fees And Charges For Part II To Chapter 14; Providing For A Repealer, Codification, Severability, And An Effective Date. **3:30 P.M. Second Reading, Public Hearing.**

(Building Department)

(First Reading On March 20, 2002)

**ACTION:** Public Hearing held. **Ordinance Number 2002-3360 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 5-0; Absent Commissioners Cruz and Garcia. R. Parcher to transmit to Municipal Code Corporation. Phil Azan to handle.

Handout or reference materials:

1. Miami Herald Ad

**10:13:37 p.m.**

- R5I Proposed Amendment To Correct Height And Number Of Stories In C-PS Districts  
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," By Modifying The Height And Number Of Stories In The C-PS Zoning Districts For Residential And Hotel Development; Providing For Codification, Repealer, Severability And An Effective Date. **4:00 P.M. First Reading, Public Hearing.**

(Planning Department)

**ACTION: Pubic Hearing opened and continued to July 10, 2002 at 4:00 p.m.** Motion made by Commissioner Steinberg to opened and continued; seconded by Commissioner Bower; Voice vote: 5-0: Absent: Commissioners Cruz and Garcia. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

Handout or reference materials:

1. Miami Herald Ad

**9:14:55 p.m.**

- R5J Procedures For The Review Of Demolition Of Historically Significant Single Family Homes

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Division 2, "Single Family Residential Districts," By Creating Procedures For The Review And Approval Of Demolition Requests For Architecturally Significant Single Family Homes Constructed Prior To 1942 And Not Located Within A Designated Historic District; Providing For Repealer, Codification, Severability And An Effective Date. **5:05 P.M. Second Reading, Public Hearing.**

(Planning Department)

(First Reading, Public Hearing On March 20, 2002)

**ACTION:** Public Hearing held. **Ordinance Number 2002-3361 adopted as amended.** Motion made by Vice-Mayor Gross; seconded by Commissioner Bower; Ballot vote: 5-1; Opposed: Commissioner Steinberg, Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

**Amendment #1:** Commissioner Steinberg 142-105 (d) (6) last sentence: "Each of these Boards shall appoint two (2) members to SFRRB, all board members to serve on a rotating or as available basis."

**Amendment #2:** Vice-Mayor Gross 142-105 (d) (4) (b) (2) add after last sentence: "Applicant, in good faith, agrees to meet with and cooperate with the SFRRB."

Jorge Gomez, Planning Director, admitted that a loophole exists in this ordinance. Steps have been placed in the review process to prevent the use of this loophole.

Commissioner Smith stated that if this process is abused or one person tries to circumvent this ordinance he would bring it back and support more restrictive recommendations.

Handout or reference materials:

1. Miami Herald Ad
2. Unsigned letter with no date submitted by Mike Greenberg
3. Color photos submitted by Danny Martin

**6:57:50 p.m.**

R5K Proposed Amendment To The GC Golf Course District (La Gorce Golf Course)  
An Ordinance Amending Chapter 142, Article 2, Division 8, "GC Golf Course District" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 142-392, "Main Permitted Uses," To Include Additional Main Permitted Uses; Amending Section 142-395, "Development Regulations," To Revise Permitted Height, To Revise Number Of Stories, To Include A Floor Area Ratio Restriction, To Include Fence Requirements, And To Add Hours Of Operation For Garage And Trash Pick Up; Amending 142-396, "Setback Requirements," To Revise Setback Requirements And To Include Setback Requirements For An At-Grade Parking Lot, Storage Facilities And Dumping Sites; And To Include Noise Regulations; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **5:35 P.M. First Reading, Public Hearing**

(Planning Department)

**ACTION:** Public Hearing held. **Ordinance approved on first reading as amended.** Motion made by Vice-Mayor Gross to approve the Administration's recommendation as modified by the Applicant, as amended below; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Second Public Hearing scheduled for May 8, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

**Applicant's Amendments:**

142-396(1): Any yard adjacent to Alton Road a public right-of-way: 200 feet, except for at-grade parking lots and other one-story ancillary structures not to exceed 20 feet in height and 2,000 square feet in floor area. The foregoing ancillary structures shall be setback at least 125 feet.

142-396(2) "Yards abutting single family homes: 75 ~~400~~ feet....."

142-396(2) "....., excluding golf cart paths and existing maintenance roads, ....."

142-396(2) " , or comfort station shall be setback 75 ~~400~~ feet ....."

**Amendment #1: Vice-Mayor Gross to adopt the Administration's recommendation as amended to allow: City Code Section 142-395 (4)**

Fence may be allowed only on the street-ends, or facing a street or on areas not abutting single-family homes. However, the adjoining property owner may waive this restriction. Fence height shall be as prescribed in the Code. Within the 75-foot setback, plant material shall not act as a solid barrier.

**Amendment #2: Vice-Mayor Gross.**

Setback, 75 feet as recommended

Amendment #3: As recommended by Jorge Gomez, Planning Director:

142-396 (2) 1st and 2nd paragraph: strike the word "rear."

Handout or reference materials:

1. Miami Herald Ad
2. Set of documents submitted for the record by Gerald K. Schwartz. Documents listed as Documents 1 through 13.
3. Speakers list.

**10:01:07 p.m.**

R5L An Ordinance Amending Ordinance No. 789, The Classified Employees' Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The

Classifications Covered By The Communication Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; Retroactively Increasing The Minimum And Maximum Of The Salary Ranges By 4%, And Increasing The Salary Of Each Employee By 4% From The Payroll Dates Of September 25, 2000, And September 24, 2001, Respectively; Increasing The Minimum And Maximum Of The Salary Ranges By 4%, And Increasing The Salary Of Each Employee By 4% To Be Applied As Of The Payroll Date Of September 23, 2002; Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Carpenter II, Finance Specialist I, Finance Specialist II, And Finance Specialist III; Amending The Titles Of Carpenter To Carpenter I And Code Compliance Field Supervisor To Code Compliance Administrator; Transferring The Titles Of The Classifications Of Crime Scene Technician I, Crime Scene Technician II, Police Fleet Specialist, Property Evidence Technician I, Property Evidence Technician II, Public Safety Specialist And Police Records Technician From The Group VI, Being Others, To The CWA Bargaining Unit; Transferring The Titles Of Civil Engineer I, Civil Engineer II, And Planner From The CWA Group To The Unclassified Group; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict; Providing For Severability And An Effective Date.

**First Reading.**

(Human Resources)

**ACTION:** Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Ballot vote: 5-0; absent: Commissioners Cruz and Garcia. Second Reading and Public Hearing scheduled for May 8, 2002. R. Parcher to notice. Lilia Cardillo to place on agenda. Mary Greenwood to handle.

City Clerk's note: See item R7F.

**6:20:17 p.m.**

R5M Amendments To The Miami Beach City Code, Chapter 2, Division 3, Governing "Lobbyists":

- 1) An Ordinance Amending Miami Beach City Code Chapter 2, Division 3, Section 2-485 Thereof Entitled "List Of Expenditures; Fee Disclosure; Reporting Requirements," By Requiring Disclosure Of Lobbyists' Fees; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading**

**ACTION:** Discussion held. **Ordinance # 1 approved on first reading as amended.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for May 8, 2002. R. Parcher to notice. Lilia Cardillo to place on agenda. Legal Department to handle.

**Amendment 1:**

Commissioner Steinberg requested adding to paragraph "b" a timeframe, so if there is a change in the fees that the City needs to be noticed in a fixed amount of time or at least before a vote.

Vice-Mayor Gross stated that maybe reports should filed quarterly or before a vote.

**Amendment 2:**

Vice-Mayor Gross requested that the Lobbyist and the Principal sign the same form.

**Amendment 3:**

Vice-Mayor Gross requested under paragraph "d" adding language stating that they should not be allowed to lobby until the fine is paid.

Robert Meyers explained the reasons why the Miami-Dade County Commission on Ethics feels the ordinances are necessary.

Harold Rosen and Jeffrey Bercow spoke.

- 2) An Ordinance Amending Miami Beach City Code Chapter 2, Division 3 Entitled "Lobbyists" By Creating Section 2-485A Entitled "Prohibited Lobbying Activities" Proscribing Certain Representations Of Third Parties By City Lobbyists; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading**

**ACTION: Ordinance # 2 approved on first reading as amended.** Discussion held. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for May 8, 2002. R. Parcher to notice. Lilia Cardillo to place on agenda. Legal Department to handle.

**Amendment:**

The lobbyist who are lobbying for their own contact with the City are exempted.

- 3) An Ordinance Amending Miami Beach City Code Chapter 2, Division 3 Entitled "Lobbyists", By Creating A Section 2-485B Entitled "Contingency Fee Prohibited," Providing Lobbyist Contingency Fees; Providing For Repealer, Severability, Codification, And Effective Date.

**First Reading**

(Requested By Commissioners Matti Herrera Bower & Jose Smith)

**ACTION:** Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for May 8, 2002. R. Parcher to notice. Lilia Cardillo to place on agenda. Legal Department to handle.

Commissioner Smith requested the City Attorney's Office to look at what the County is doing in reference to small businesspersons and small businesses so someone who cannot afford to pay high fees can hire someone on a contingency fees basis.

**9:56:18 p.m.**

R5N An Ordinance Amending The Miami Beach City Code, Chapter 18, "Businesses," Article XV, "Street Performers And Art Vendors," Section 18-902, "Permit Required," To Clarify When Permits Are Required, And The Applicability Of Any Other City Ordinances; Section 18-903, "Permit Application," To Change The Application Processing Fee To A Permit Fee, Allow Performing And Vending Groups To Obtain A Single Permit, And Permit Joint Use Of Designated Locations By Street Performers And Vendors; Section 18-904, "Areas Reserved For Street Performances And Art Vending," To Allow For Joint Use Of Sites By Street Performers And Vendors, And Adding Additional Locations For Such Performances And Vending; Section 18-905, "Permit Rules And Requirements," To Clarify Certain Rules, And Prohibit Push Carts And Mobile Displays, And Section 18-906, "Hours Of Operation," To Extend Expanded Hours Of Operation For All Locations, And Clarify Requirements For Removal Of Items From Designated Locations; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading.**

(Requested By Commissioner Matti Herrera Bower)

**ACTION:** Discussion held. **Ordinance approved on first reading as amended with the language added by the Land Use and Development Committee (See handout section language).** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 5-0; Absent: Commissioners Cruz and Garcia. Second Reading and Public Hearing scheduled for May 8, 2002. R. Parcher to notice. Lilia Cardillo to place on agenda. Vivian Guzman, Patricia Walker, and Gary Held to handle.

#### **R6 - Commission Committee Reports**

R6A Report Of The Joint Land Use And Development And Business Resolution Task Force Committee Meeting Of April 1, 2002: **1)** Discussion On Amending Miami Beach City Code - Chapter 14 Entitled "Building Regulations" To Address Issues Related To The New Florida Building Code (Joint Item); And **2)** Discussion On Street Performer Ordinance.

**ACTION: Item not reached.** Lilia Cardillo to place on May 8 Consent Agenda.

1. Joint Item. Item discussed and committee suggested that notice of proposed changes be forwarded to property owners and merchants. No action required. Nannette Rodriguez to publicize. Phil Azan, Nannette Rodriguez, and Kevin Crowder to handle.

R6B Report Of The Community Affairs Committee Meeting Of April 2, 2002: **1)** Discussion Regarding Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Certain Period Of Time After Leaving City Employment; **2)** Discussion To Review And Enhance The Banner Approval And Placement Criteria; **3)** Discussion Regarding Review And Recommendation On A Citizen's Request To Televis, On Government Channel 20, Meetings Of The City Commission Committees; **4)** Discussion To Review The Administration's Policy Of Requests Made By The Mayor Or A City Commissioner To Place An Item On The City Commission Agenda; **5)** Discussion To Review The Process By Which Investigations Concerning Debarment Proceedings Are Conducted; **6)** Discussion Regarding Amendment To City Code Section 38-6, "Prohibited Campaign Contributions By Vendors"; **7)** Legal Opinion Regarding Allowing Reserve Officers To Be Honored Upon Retirement; And **8)** Discussion Regarding Legislation Requiring The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach.

**ACTION: Item not reached.** Lilia Cardillo to place on May 8 Consent Agenda.

1. No motion made. Commissioner Garcia will withdraw the ordinance from the April 10 Commission Agenda.
2. Motion passed to authorize the Administration to approve the placement of banners in conformance with City Code Section 82-411, for events funded by the Visitor and Convention Authority, Cultural Arts Committee, a City agency, and events taking place in the City via a Special Events Permit. All requests that do not fall in any of these aforementioned categories will be referred to the Commission for approval. **James Quinlan to handle.**
4. Motion was made to refer future Agenda items directly to the Commission Committees. Additional, the Office of the City Attorney requested clarification on City Commission sponsorship of agenda items. It was agreed the sponsor would be the Commissioner who first make a written request to the Office of the City Attorney. The Administration will continue to place on the City Commission Agenda, Section R9, requests forwarded by Commissioners.
5. The Office of the City Attorney will amend the ordinance and place it on the May 8th Commission Agenda.
6. The Legal Department and the Administration will research and retract issues raised on discussion for presentation to Commissioner Smith (sponsor), with subsequent placement of a future Commission Agenda. **Legal Department. Mayra Diaz Buttacavoli to handle.**
7. The Committee requested the Office of the City Attorney to amend the City Code to allow for donations to reserve officers and other organizations. **Legal Department to handle.**
8. The Committee requested the Office of the City Attorney to prepare an ordinance requiring lobbyists to disclose fees prior to engaging in lobbying activities. **Legal Department to handle.**



- R6C Verbal Report Of The Finance And Citywide Projects Committee Meeting Of April 8, 2002: **1)** Consideration Of Alternatives Relative To The City's Existing Renewal Option In The Contract With The Greater Miami Convention And Visitors Bureau (GMCVB); **2)** A Resolution Approving The Miami Beach Business Assistance Program And Further Directing The Administration To Negotiate With LNR Property Corporation To Provide Additional Assistance For Their Relocation To Miami Beach; **3)** Phase II Issues Of The Byron Carlyle Theater; **4)** A Report On The Financial Impact On The Fiscal Year 2001-2002 Budget Resulting From The Reduction In Resort Tax Collections; And **5)** Capital Improvement Program Status Report On Active Projects.

**ACTION: Item not reached.** Lilia Cardillo to place on May 8 Consent Agenda.

### **R7 - Resolutions**

**10:05:01 p.m.**

- R7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City Of Miami Beach And Glatting Jackson Kercher Anglin Lopez Rinehart, Pursuant To Request For Qualifications (RFQ) 7-00/01, To Provide Professional Services For The West Avenue/Bay Road Neighborhood Streetscape Project For Urban Design, Landscape Architecture And Engineering Services For The Planning, Design, Preparation Of Construction Documents, Assistance With Bidding, And Construction Administration To Provide Additional Professional Services Associated With Bay Road Drainage Improvements, Streetscape And Street End Improvements To 10<sup>th</sup>, 14<sup>th</sup>, And 16<sup>th</sup> Streets, And A Community Planning Meeting For A Fee Not To Exceed \$86,959; And Appropriating Said Fees: \$27,290 From The Series 2000 General Obligation Bond Fund And \$59,669 From The Series 2000 Stormwater Revenue Bond Fund.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2002-24821 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice vote: 5-0: Absent: Commissioners Cruz and Garcia. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Vice-Mayor Gross requested that the contract be a not-to-exceed amount.

Jorge Gonzalez, City Manager, stated that the not-to-exceed language is included in the body of the formal contract.

**10:06:24 p.m.**

R7B A Resolution Approving and Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With The Firm Of The Corradino Group, Inc., Pursuant To Request For Qualifications (RFQ) No. 10-00/01, For The Biscayne Point Neighborhood Streetscape Project, With Funds, In The Amount Of \$90,512, Comprised Of \$85,042 For The Planning Services Fee, And \$5,470 For Reimbursable Expenses Such As Survey, Printing And Testing; And Appropriating Funds For The Project, In The Total Amount Of \$90,512, Comprised Of \$69,703 From The Series 2000 General Obligation Bond Fund, \$3,358 From The Water And Sewer Bond Fund; And \$17,451 From The Stormwater Bond Fund To Cover The Planning Fee And Reimbursable Expenses; And Appropriating Funds To Cover The Capital Improvement Projects Office (CIP) Project Management Fee, Totaling \$79,500, Comprised Of \$62,250 From The Series 2000 General Obligation Bond Fund; \$3,000 From The Water And Sewer Bond Fund; And \$14,250 From The Stormwater Bond Fund.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2002-24822 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent Commissioners Cruz and Garcia. Patricia Walker to appropriate funds. Tim Hemstreet to handle.

Vice-Mayor Gross stated that this agreement allows for two (2) community workshops. He inquired if the Administration could negotiate a fixed price for a third Community design workshop.

Robert Middaugh, Assistant City Manager, stated that the Administration has committed to add meetings, absent the consultants, to resolve issues. This has proven successful so far, and if problems arise, the Administration will bring back.

Vice-Mayor Gross congratulated the staff and the Administration for reducing the cost on this project by approximately \$34,000.

**10:10:14 p.m.**

R7C A Resolution Approving A Settlement Of The Lawsuit Styled Met Construction V. City Of Miami Beach, Case No. 97-28833 CA 25, In the Amount Of \$35,000 On The Breach Of Contract Claims; Receiving \$506,253 On The City's Counterclaim; And Further Authorizing The City Attorney's Office To Execute Any And All Related Documents Related To The Settlement.  
(City Attorney's Office)

**ACTION: Resolution No. 2002-24823 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Legal Department and Patricia Walker to handle.

City Clerk's note: See R10A (Closed Executive Session).

**10:18:28 p.m.**

R7D A Resolution Approving The Issuance And Execution By The City Manager Of A Rate Order, Which Declares The Proposed Increase In Cable Television Rate By Interlink Communications Partners, LLC D/B/A Charter Communications, Inc., To Be Reasonable And Approves Said Increase; And Providing An Effective Date.

(City Manager's Office)

**ACTION: Item heard. No motion made.**

City Clerk's Note #1:

1. Because no action was taken, the rate increase goes into effect automatically in 30-days.
2. The Certified Public Accountants are Rachlin Cohen & Holtz LLP.
3. The title of this Resolution and the Rate Order attached hereto shall be published once in a newspaper of general circulation in the City of Miami Beach.

**11:21:44 a.m.**

R7E A Resolution Authorizing The Issuance Of Request For Proposals No. 10-0102 For Governmental Representation And Consulting Services In Tallahassee, Florida, For The 2003 And 2004 State Legislative Sessions.

(Economic Development)  
(Deferred From January 30, 2002)

**ACTION: Resolution No. 2002-24824 adopted as amended.** Motion made by Commissioner Cruz to renegotiate a new contract for another year and authorize the Administration to issue a Request for Letter of Interest (RFLI) sometime this summer; seconded by Commissioner Steinberg; Voice vote: 7-0. Christina Cuervo to handle.

Motion made by Commissioner Steinberg to defer this item until the special session is over; seconded by Commissioner Garcia for discussion.

Commissioner Garcia stated that the City's lobbyists have been successful and since there are a lot of pending issues, why can the Commission extend the contract for a year.

Jorge Gonzalez, City Manager, stated that the City's lobbyists have been successful, but based on timing it may be difficult to go out for bid and there is no renewal option in the contract.

After discussion Commissioner Garcia withdrew his second.

**Motion made by Commissioner Cruz to renegotiate a new contract for another year; seconded by Commissioner Steinberg.**

Jorge Gonzalez, City Manager, suggested that Request Letter of Interest (RFLI) be issued in the summer time. This will allow the Administration to gather information about other companies who may be interested in doing this service for the City.

City Clerk's Note: See item Report "F"

**10:02:01 p.m.**

R7F A Resolution To Ratify The Three Year Labor Agreement Between The City Of Miami Beach And The

Communications Workers Of America (CWA), Local 3178, For The Period From October 1, 2000 Through September 30, 2003, And Authorize The Mayor And City Clerk To Execute The Agreement.  
(Human Resources)

**ACTION: Resolution No. 2002-24827 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Gross; Voice vote: 5-0; Absent Commissioners Cruz and Garcia. Mary Greenwood to handle.

City Clerk's Note: See R5L.

**12:35:32 p.m.**

R7G A Resolution Awarding A Contract To The Tower Group, In The Amount Of \$7,195,069, In Response To Invitation To Bid No. 02-01/02, For The Construction Of The City Of Miami Beach Regional Library; Additionally Allocating Funds, In The Amount Of \$506,044, For The Project Contingency; With Funds, In The Amount Of \$751,079, For Project Management By URS Corporation-Southern; Funds, In The Amount Of \$107,333, For Project Concurrence Fees; And Funds, In The Amount Of \$103,440, For Capital Improvement Projects Office (CIP) Management, Being Available From The Redevelopment Agency (RDA), Tax Increment 1998 Bonds, Series B. **Joint City Commission And Redevelopment Agency.**

(Capital Improvement Projects)  
(Deferred From March 20, 2002)

**ACTION: Item heard in conjunction with item RDA-3A. Resolution No. 2002-24828 adopted. See item 3A for details.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-1; Opposed: Commissioner Steinberg. Tim Hemstreet to handle.

Handout or reference materials:

1. Internet email to Jorge Gonzalez, City Manager with a CC to the City Clerk dated March 14, 2002, RE: Request for consideration
2. Letter from Gus Lopez, Director of Procurement, to Jerry Gillman, President, S.F.C.S. Inc., dated March 21, 2002 RE: Invitation to Bid No 02-01/02 - Construction of the City of Miami Beach Regional Library.
  - a) Fax from Alexander Lamis, Partner, Robert Stern Architects, to Timothy Hemstreet, Special Assistant to the City Manager, dated April 8, 2002.
  - b) Letter from Jorge Gonzalez, City Manager, to Jerry Gillman, President, South Florida Construction Services (S.F.C.S. Inc.), dated April 9, 2002 RE: Bid No 02-01/02 Construction of Miami Beach Regional Library, City of Miami Beach's response to SFCS bid protest letter, dated April 6, 2002
3. Letter from Draguisa Gomero, President, Regosa Engineering, Inc., to Gus Lopez, Director of Procurement, dated March 29, 2002, RE: Invitation to Bid No 02-01/02 Construction of the City of Miami Beach Regional Library
4. Letter from Gus Lopez, Director of Procurement, to Anthony J. Burke, CEO, The Tower Group, dated April 5, 2002, RE: Invitation to Bid No 02-01/02 - Construction of the City of Miami Beach Regional Library
5. Letter from Draguisa Gomero, President, Regosa Engineering, Inc., to Jorge Gonzalez, City Manager, dated April 9, 2002
6. Fax from Alexander Lamis, Partner, Robert Stern Architects, to Timothy Hemstreet, Special Assistant to the City Manager, dated April 8, 2002, RE: Miami Beach Public Library: RAMSA #98.011 Review of Contractor Qualifications
7. Letters to Ms. Draguisa Gomero, Regosa Engineering, Jerry Gillman, SFCS, Anthony Burke, The Tower Group, William U. Ugarte, Gray Construction & Ass., James R. Hewett, Hewett-Kier

Construction , and Rey Viquez, Pentagon Construction, from Gus Lopez, dated April 5, 2002, RE: Invitation to Bid No 02-01/02 - Construction of the City of Miami Beach Regional Library

8. Documents submitted for the record by Carter McDowell. Documents listed as Documents 1 through
9. Fax from Carter McDowell, Bilzin, Sumbert, et al, to Gus Lopez, Procurement Director, dated April 9, 2002, RE: Bid No. 02-01/02 - Construction of the City of Miami Beach Regional Library

**ADDENDUM:**

R7H A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Directing The Administration To Negotiate With LNR Property Corporation To Provide Assistance For Its Relocation To Miami Beach; Provided That Any Agreement With LNR Regarding Its Relocation Be Subject To And Consistent With The Guidelines For A Miami Beach Business Assistance Program, Which May Be Established And Funded As Part Of The Fiscal Year 2003 Budget Process.  
(City Manager's Office)

**ACTION: Not reached.** Lilia Cardillo to place on agenda.

**R9 - New Business and Commission Requests**

R9A Board and Committee Appointments.  
(City Clerk's Office)

**Miami Beach Commission on the Status of Women:**

Dale Gratz term expires 12/31/03 appointed by Commissioner Smith

**Public Safety Advisory Committee: See Resolution 2002-24765**

Tony Rodriguez term expires 02/20/03 appointed by Commissioner Garcia

**Marine Authority**

Ira Nusbaum term expires 12/31/02 appointed by Commissioner Smith

Handout or reference materials:

1. Letter from Grisette Roque Marcos, Executive Director, Miami Beach VCA, to Mayor and City Commission dated March 26, 2002, RE: appointments to the VCA.
2. LTC 81-2002 dated March 25, 2002, RE: Design Review Board Vacancies

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

**3:16:30 p.m.**

**ACTION:**

**Gary Waters** spoke on his concern regarding the Miami-Dade County Prevailing Wage Ordinance that assures that construction workers working for the City are paid the prevailing wages. This ordinance has one shortcoming. There is no requirement that documentation must be kept of the wages paid the workers. Unlike the federal government or the Dade County under their prevailing wage requirement, they have the requirement that certified payroll records be kept and made available to the City. He suggested that perhaps this could be studied at the committee level to see if something could be done about this loophole. There is no way the City can certify that the correct wages are being paid without certified payroll records. There is no provision in the ordinance requiring that certified payroll records be kept. When the Loews Hotel was being built there were certified payroll records. At present the contractors have chosen not to keep them. The taxpayers of the City of Miami Beach have put these requirements into bid documents.

Commissioner Garcia stated that he had received a complaint about a local contractor that was importing laborers from outside paying sub-part wages and circumventing the ordinance, which we are proud of. He went to the job site and saw first hand that the documentation was not properly posted. The situation here is that since the City is not able to monitor the salaries paid, these contractors may have an unfair advantage over reputable contractors. They bring outside laborers that do not know the law and keep them secluded. This is an unfair advantage. He recommended referring the Prevailing Wage Ordinance to the Community Affairs Committee.

Commissioner Smith stated that the City of Miami Beach should have a mechanism in place to audit or monitor the contracts so that there is compliance, not just with the Prevailing Wage Ordinance, the Living Wage Ordinance, and Davis Bacon but also to assure that people are being treated in accordance with our other ordinances. There are other ordinances that govern relationships between contractors and employees. He would like to know what mechanisms are in place to insure compliance.

Jorge Gonzalez, City Manager, explained that the Procurement Department is the place to file complaints on violations of the Living Wage Ordinance. He suspects that the Prevailing Wage Ordinance and the Davis Bacon, which is a federal requirement, must have similar provisions. He stated that he has not received any complaints in this area, but that he would check with Procurement.

Commissioner Garcia stated that this complaint was brought to the attention of the Public Work's Department and nothing was done.

Jorge Gonzalez, City Manager, stated that he had not heard of this, and he would follow up on it. He requested to be able to investigate this complaint before the ordinance is sent to the Community Affairs Committee for review.

Mayor Dermer instructed the Administration and Commissioner Garcia to meet and discuss this issue. He also advised the Manager that if the ordinance needs amending to have the Legal Department draft the amendment and with the Commission's approval place it on the agenda.

Jorge Gonzalez, City Manager, informed the Commission that the letter on the complaint was sent to Jorge Chartrand, from CIP, and the Legal Department. He asked Mr. Chartrand, if he had any information on this issue.

Jorge Chartrand stated that both him and Raul Aguila from the Legal Department have been dealing with this issue. Raul Aguila had been in conversation with an attorney from the union on this matter. There was a claim made that TDI was not paying the correct wages under the Prevailing Wage Ordinance. The City investigated. There is no provision in the ordinance or in the contract for certified payroll records. In this case, the contract that was signed by TDI and the City of Miami Beach did not have this provision. It does include a new form created by the City Attorney's Office in conjunction with Hazen and Sawyers and URS. This form certifies that the contractor is paying the correct wages and the form is notarized. The contractor that lies on this form is placing their license at risk. According to the City Attorney's Office the only option available to the City is to request the payroll records. The City requested the records, at first the contractor refused. They felt they did not have to provide them since it was not in the contract. The City insisted and now the contractor provided the records, but does not want them reproduced. The City Attorney advised Mr. Chartrand to meet with the contractor to review the records and report back. Mr. Chartrand just sent his memorandum to the Legal Department reporting on the findings. The review revealed that TDI is paying the correct wages to the employees covered under the Prevailing Wages Ordinance and even higher in some cases.

**Gil Zriny** spoke on the issue of health and safety. He stated that we all heard the campaign speeches about over development, quality of life of our residents, and health and safety. He spoke about a flyer that was passed out by a professor from Canada that came down here because he is concerned about the safety of the residents and visitors of Miami Beach. This is a flyer originally passed out by the Miami Beach Police Department. He read the parts of the pamphlet. He told of the incident with his neighbor crossing the street and other incidents of accidents with people crossing the streets. He stated that he used to think that a 25 M.P.H. speed limit should be appropriate for Miami Beach the same as it is in Key Biscayne. Now he thinks that the speed limit should be 65 M.P.H. and anybody crossing the street would know that they have to look way back to see the cars flying down the streets. He stated that since the movie theatre opened on 17th Street, seven pedestrians have been killed.

**Milton Montalvo 1)** spoke about his observation during his walks that the schools are in very bad condition in Miami Beach. **2)** He spoke on bringing to Miami Beach an event like "Calle Ocho." He thinks the City needs this type of resident event that we do not have. **3)** He spoke about policemen on the street. He attends a lot of meetings throughout the City and the most frequent topic of discussion is of policemen on the street. Merchants and residents want more policemen on the street. **4)** He spoke about architecture and how good architecture makes you feel good. He would like to commission first class architects to advise us even if they do not take the job. **5)** He has become interested in politics. He asked the Commission how they feel about Financial Campaign Reforms. He stated that the average person couldn't get involved in politics because of the cost.

Mayor Dermer explained that the members of the Commission are not required to answer any questions.

He would contribute money for campaigning if there was one fund available to all the candidates.

Commissioner Smith asked Mr. Montalvo to stay and he would get an education on the subject since we would be discussing ordinances dealing with Campaign Reforms.

**Jose Gomero** stated his disappointment with the Administration and the way they conduct business. It is very difficult for a contractor to work for the City of Miami Beach. He spoke about the project that

his company bid and did not get. He feels that the City would have been better off rewriting the scope of the job and paying \$13, or \$ 14 in architect's fee than to choose a company with a bid \$300,000 higher. He feels disappointed with this situation. What is the point of going to the bidding process when the City does not want to cooperate?

**Joseph Rivera 1)** He heard the Mayor speak at the Miami Heart Institute and was impressed. He was impressed with how articulate the Mayor is and how he deals with his constituents. The Mayor had a good message by saying that instead of giving summons, people should get together and bridge relationships for a better quality of life. Rather than citing somebody with problems for a garbage violation, it is better to give that person a garbage can. The discretionary rule should be used when dealing with compliance. **2)** As visitor, he conducted a survey of the Police Department and gave it to the Commission. This is the only Police Department that he knows of that does not have an Emergency Service Unit. He, as a Risk Manager, highly recommends that assistance be given to the Police Chief. He gave the Commission some pictures that could not be discussed because of the nature of the matters at hand. The City of Miami Beach Police Department needs to have an Emergency Service Unit to deal with people that are emotionally disturbed, bomb issues, and national security issues.

**Shelley McCullen** spoke about statements made at the senate floor related to religion. Israel is entitled to the land they have had historically and architecturally for 3,000 years. There is proof that the country has been there. There have been artifacts dug up and taken away and destroyed by Islamic people so there is no proof of this. She went over the history of the land. The nations that, said that they were there, have been there only since recent times. She listed the countries in the surrounding area and when they were formed. She feels that humanitarially they are entitled to their homeland. She quoted something said by a Senator in front of the Senate. "The seven reasons why Israel is entitled to this land are because God said so." She quoted Genesis XIII, XIV, and XVII. She stated that for the free world, Christians and Jews, Israel should remain a land of its own.

Handout or reference materials:

1. Speakers list
2. Mr. Rivera submitted an envelope containing: 1) Miami Beach collector spoon, 2) magnifying glass, and 3) color photos.

R9B(2) Dr. Stanley Sutnick Citizen's Forum.

**ACTION:**

**Minnette Benson 1)** spoke on Commissioner's Garcia comment that the traffic originates north of 87th Street and ends on 63rd Street and it needs to be stopped. She stated that there was a court case heard by Judge Ronald Freeman when Surfside tried to restrict traffic on their roads and the Judge ruled against that. **2)** She also stated that the commission had voted (a while back) to select a Concurrency Study Committee to understand the way it is arrived at, how it is applied and to simplify the language to layman's term. She inquired as to when those Concurrency Workshops will take place. There was a time, when Saul Gross was Chairman of the Design Review Board, when the process of determining concurrency on that level was part of the whole urban planning process. This was discontinued at the time the stopple. This should be researched and she feels Commissioner Gross should head this project and come back with a report. This was a good plan and everyone was happy with it. Ever since then, we have nothing but rage.

**3:49:55 p.m.**

R9C Review Of A Design Review Board Decision Approving A Request By Fisher Islands Holdings, LLC For The Construction Of A Single Ten (10) Story Apartment Structure Located At The Easternmost



Portion Of The Site At One Fisher Island Drive On Fisher Island. **2:00 P.M. Public Hearing**  
(Planning Department)

**ACTION:** Public Hearing held. **Resolution No. 2002-24826 adopted.** Motion made by Commissioner Cruz to find that the Design Review Board provided procedural due process, observed the essential requirements of law, and based its decision upon substantial competent evidence, and therefore denies the appeal; seconded by Commissioner Smith; Ballot vote 7-0.

Mr. Jeffrey Bass, Law firm of Shubin & Bass, spoke representing the appellant appealing a decision of the Design Review Board.

Mr. Cliff Schulman, Esq., Greenberg Traurig, spoke representing Fisher Island Holdings LLC.

Handout or reference materials:

1. Letter from Gary M. Held, First Assistant City Attorney, to Jeffrey Bass, Esq. and Clifford Schulman, Esq., dated April 11, 2002, RE: Appeal of DRB File No. 14772, Hazelwood Apartments - copy of City Resolution No. 2002-24826
2. Letter from Jeffrey S. Bass, Esq., to Robert Parcher, City Clerk, Dated February 15, 2002, RE: Appeal of Hazelwood Apartments - Fisher Island DRB File No. 14772 - Rendered January 29, 2002 and a copy of the \$500 receipt of the appellate filing fee.
3. Clifford Schulman, Esq. submitted into the record a memorandum from Jorge Gomez, Director, Planning Department, to the Design Review Board, dated January 15, 2002, RE: Design Review File No. 14772, 1 Fisher Island Drive - Hazelwood Apartments. The document is labeled Exhibit "H".
4. Voting Ballot.
5. Miami Herald Ad
6. Documents submitted by Jeffrey S. Bass and transmitted to the Mayor and City Commission via LTC 83-2002:  
Transcripts of the DRB Proceedings - Volume 1  
Fisher Island Context Study - Volume 2  
South Pointe Context Study - Volume 3  
Summary Memorandum of Appellate Issues.
7. Document submitted by Clifford A. Schulman and transmitted to the Mayor and City Commission via LTC 92-2002:  
Appellee's Memorandum of Appellate Issues

R9D Discussion Regarding Florida Sister City Program - Name Amendment.  
(Requested By Mayor David Dermer)

**ACTION: Not reached.** Lilia Cardillo to place on agenda.

R9E Discussion Regarding Creation Of A City Code Review Ad Hoc Committee.  
(Requested By Commissioner Richard L. Steinberg)

**ACTION: Not reached.** Lilia Cardillo to place on agenda.

R9F Discussion Regarding An Ordinance Relating To Implementing A Local Preference In The Award Of Contracts For Goods And Services To Miami Beach-Based Vendors.  
(Requested By Commissioner Jose Smith)  
(Deferred From March 20, 2002)

**ACTION: Not reached.** Lilia Cardillo to place on agenda.

- R9G Discussion Regarding Rental Motor Scooters.  
(Requested By Commissioner Jose Smith)  
(Deferred From March 20, 2002)

**ACTION: Not reached.** Lilia Cardillo to place on agenda.

- R9H Discussion Regarding Convention Center Development Tax.  
(Requested By Commissioner Jose Smith)  
(Deferred From March 20, 2002)

**ACTION: Not reached.** Lilia Cardillo to place on agenda.

- R9I Discussion/Referral Regarding Quality Of Education Committee.  
(Requested By Commissioner Matti Herrera Bower)  
(Deferred From March 20, 2002)

**ACTION: Not reached.** Lilia Cardillo to place on agenda.

- R9J Discussion Regarding Panhandling In Miami Beach.  
(Requested By Commissioner Richard L. Steinberg)

**ACTION: Not reached.** Lilia Cardillo to place on agenda.

- R9K Discussion Regarding A Status Report On The "63<sup>rd</sup> Street Flyover."  
(Requested By Commissioner Richard L. Steinberg)

**ACTION: Withdrawn by Commissioner Steinberg.**

**11:40:03 a.m.**

R9L Discussion Regarding Approval Of Pay Telephone Kiosk On Public Property Or City Right-Of-Way.  
(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION:** Discussion held. **Motion made by Vice-Mayor Gross to approve professional advertising on Pay Telephone Kiosk and to direct the Administration to draft legislation and bring it back by the June meeting, amended by Commissioner Bower to refer to the Neighborhoods Committee; seconded by Commissioner Cruz; Voice vote: 6-1; Opposed: Commissioner Garcia. Vivian Guzman to place on Agenda. Fred Beckmann to handle.**

Commissioner Garcia introduced Senator Silver. Representing First American Telecommunications Corp., Mr. Silver, Esq. and Charles Citrin, Esq. gave an oral presentation.

Murray Dubbin, City Attorney, stated that the last ruling of the court said that the City does not have authority to regulate or control the location of public telephone in private property and do not have the authority to control or regulate advertising on public telephones. The City does have control on the location of phones in public rights-of-way or public buildings.

Motion made by Vice-Mayor Gross to approve this with no more than one per block face regardless of how many phone companies there are, advertising on the outside of the phones must be professionally designed, seconded by Commissioner Cruz.

Murray Dubbin restated the motion to instruct the Administration and the Legal Department to draft legislation to accomplish the intent of the above motion.

Discussion continued.

Jorge Gonzalez, City Manager, stated that he wants to make sure that the design of this telephone structure is consistent with the other proposed bus benches and shelter, and street signage so the City has a unique and consistent style.

Vice-Mayor Gross withdrew his original motion.

Discussion continued.

**Motion made by Vice-Mayor Gross to approve the professional advertising on Pay Telephone Kiosk and to direct the Administration to draft legislation and bring it back for a first reading on June meeting, amended by Commissioner Bower to refer to the Neighborhoods Committee and accepted by Vice-Mayor Gross; seconded by Commissioner Cruz; Voice-vote 6-1: Opposed: Commissioner Garcia.**

Mr. Charles Citrin gave an overview of the where this process has been.

Commissioner Garcia voted against the motion because he feels this is a bureaucratic delay.

Handout or reference materials:

1. Notebook containing color photos of pay telephone kiosk advertisement and is titled "We help you reach the world".
2. Letter from Michael Kinerk, Chairman, Miami Design Preservation League to Mayor Dermer and Commission, dated April 10, 2002, RE: Advertising phone booths within historic districts

City Clerk's note: A letter from Michael Kinerk, Chairman, Miami Design Preservation League, to the City of

Miami Beach, dated April 5, 2002 and submitted to the City Clerk at the April 10, 2002 Commission Meeting, RE: Honoring Morris Lapidus. "On behalf of the Miami Design Preservation League, we respectfully request that you readdress the issue of naming the block adjacent to the Fontainebleau Hilton, Morris Lapidus Way. The letter is filed with the Commission Meeting materials because it was handed to me at the meeting.

**5:27:55 p.m.**

R9M Discussion Regarding The Revised Development Concept For 72nd Street.  
(City Manager's Office)

**ACTION:** Discussion held. Motion made by Commissioner Steinberg to terminate negotiations with the Related Group with regards to the development concept. The sentiment of the City Commission is to keep the property for public use. The Administration is directed to determine what should be done with the land, along with the process, and prepare an Administrative recommendation; seconded by Commissioner Smith; Voice-vote: 7-0. Christina Cuervo to handle.

Jorge Gonzalez, City Manager, stated that the next steps are:

1. Finalize the North Beach Master Plan,
2. Decide what to do with the west lots and proceed with the lots if that is the desire of the Commission.
3. Leave the site alone for future review.
4. Keep the parking lot there and maybe put a basketball court or skate park there.

Motion made by Commissioner Garcia to refer the North Beach Development Corporation to the Audit Committee; seconded by Commissioner Cruz. No vote taken.

Harold Rosen spoke on behalf of the Related Group.

Mr. Hoy, Senior Vice-President of the Related Group, spoke on behalf of Jorge Perez from the Related Group.

Commissioner Cruz requested an amendment to reject the bid but that the Commission keep the space as public land and do not try to have it developed. Commissioner Steinberg stated that he wanted to keep this issue of terminating negotiation and future use of the property separate.

Commissioner Smith stated that the Commission should give the Administration an opportunity to review options and come back in the near future with a recommendations and a plan.

Vice-Mayor Gross stated the land should be made park land.

Commissioner Smith stated that there is a need to accommodate parking.

Commissioner Cruz again asked for an amendment that would keep the land as public land whether a parking lot or a park for public purposes. Commissioner Steinberg again stated that he wanted to keep this issue of terminating negotiation and future use of the property separate.

Jorge Gonzalez, City Manager, asked, as an alternative, that he be directed to find out what needs to be done along with the process and prepare an Administrative recommendation.

Commissioner Cruz requested that the sentiment of the Commission be added to the motion to include that the land is to be used for public use. Commission Steinberg accepted the motion.

Jerry Libbin, North Beach Development Corporation, spoke and read two (2) resolutions into the record.

Commissioner Cruz requested Mr. Libbin to provide him with a list of the Board of Directors of the NBDC. Mr. Libbin stated he would provide the list.

Motion made by Commissioner Cruz requesting an internal audit of the North Beach Development Corporation; seconded by Commissioner Garcia; Voice-vote: 4-3; Opposed: Vice-Mayor Gross and Commissioners Smith and Steinberg. **Mayra Diaz Buttacavoli and Jim Sutter to handle.**

Handout or reference materials:

1. Color copy of the Microsoft PowerPoint presentation given by the Related Group of Florida
2. Resolution # 1, dated April 8, 2002 of the Board of Directors of the North Beach Development Corporation submitted by Jerry Libbin, NBDC.
3. Resolution # 2, dated April 8, 2002 of the Board of Directors of the North Beach Development Corporation submitted by Jerry Libbin, NBDC.

**ADDENDUM:**

R9N Discussion Regarding Mayor's Blue Ribbon Tourism Task Force-Residential Subcommittee Report.  
(Requested By Mayor David Dermer)

**ACTION:** Not reached. Lilia Cardillo to place on agenda.

**R10 - City Attorney Reports**

R10A Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On April 10, 2002 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Issues Of The Following Case:

Met Construction, Inc. Vs. City Of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 97-28833 CA25

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia, Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez And Senior Assistant City Attorney Rhonda Montoya.

**ACTION:** Announced and held.



**5:00:14 p.m.**

E Report On Memorial Day Weekend 2002 (Thursday, May 23, 2002 - Monday, May 27, 2002).  
(City Manager's Office)

**ACTION: Written report submitted and an oral report given by Jorge Gonzalez, City Manager.**

As outlined in the report, as part of the City's Major Event Plan (MEP), the City has begun a comprehensive and coordinated planning effort to prepare for the Memorial Day 2002 Holiday Weekend (Thursday, May 23, 2002 - Monday, May 27, 2002).

The MEP calls for the City to monitor activities going on within the industry. This requires the Administration to be in close contact with the hoteliers. As of now there are projections of 75% to 80% occupancy at the hotels. Occupancy of 100% is expected. There could be between 30 - 50 different parties throughout the weekend at different hotel and clubs. Between 300,000 to 500,000 visitors are expected. The MEP addresses public safety, which is of the utmost importance. The Police Department is taking the necessary steps to plan resources and officer deployment. Police staff will be on alpha/bravo shifts. Miami-Dade County and the City of Miami have also been asked to assist with additional police officers. In addition, Miami-Dade County has also been requested to provide assistance in the area of fire, code enforcement, sanitation and beach maintenance. The Goodwill Ambassador program is being activated.

Jorge Gonzalez talked about the special events application submitted by a company called PRO. They are requesting a street fair on Ocean Drive along with a concert venue at the Convention Center. They requested to have concerts on the beach but the Administration denied the request based on resources.

Commissioner Bower stated that if Ocean Drive is closed, the organization that makes the request pays for the extra services. She feels this is an unfair burden on the City and that promoters of the street fair should be burden with the cost, or don't charge the other requestor.

Chief De Lucca explained why it is necessary to close Ocean Drive.

Vice-Mayor Gross asked why are the City is scheduling special events on a holiday weekend, when it had been agreed that there would be no special events on these dates. He expressed his surprise that special events are being scheduled.

Jorge Gonzalez, City Manager, stated that the City received the event application and it contained a list of events that would be held in Miami Beach and Miami. For example an alternative event at the Convention Center may help to handle some of the overflow of people.

Commissioner Garcia stated that the crowd would come anyway even if there is not an alternative event. He also stated that if there is a festival being held, the promoter should help pay for security.

Commissioner Smith stated that it is in the interest of the taxpayer to have the event promoters help pay for the cost of closing the street. The promoters will be making money and should help with paying for security.

Dr. Larry Capp from the Miami-Dade County Community Relations Board explained that the County sees this event as a regional event and an opportunity to showcase the City. The County is coming in as a partner and co-sponsoring the street festival. The County is coming with resources such as police officers and fire rescue.

Luther Campbell spoke.

Commissioner Bower asked if the artists or participants have to pay a fee to participate in the Art Festival and if so, who gets the money?

Dr. Capp responded that there would be a charge.

**10:48:04 a.m.**

F Report On The 2002 Florida Legislative Session.  
(Economic Development)

**ACTION: Written report submitted.**

The City's State lobbyists, Gary Rutledge, Fausto Gomez and Bob Levy, gave an oral report of their activities.

Representative Dan Gelber spoke on the issue of redistricting.

City Clerk's Note: See item R7E and Report "E" for a full report of the lobbyist's activities.

G Public Hearings Before The Planning Board For The Regular Meeting Of April 23, 2002.  
(Planning Department)

**ACTION: Written report submitted.**

H Status Report On Dialogue With RDP Royal Palm Crowne Plaza  
(City Manager's Office)

**ACTION: Written report submitted.**

I An Analysis Of Budget To Actual Revenues And Expenses For The 5-Month Period Ending February 28, 2002, With Operating Budget Projections Through September 30, 2002 For General, Enterprise, And Internal Service Funds Including A Report On The Financial Impact On The Fiscal Year 2001-2002 Budget Resulting From The Reduction In Resort Tax Revenues.  
(Finance Department)

**ACTION: Written report submitted.**

**End of Regular Agenda**  
**Miami Beach Redevelopment Agency**  
**Commission Chambers, 3rd Floor, City Hall**



**1700 Convention Center Drive  
April 10, 2002**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL

All members are present.

2. OLD BUSINESS

- A Report of the Itemized Revenues and Expenditures of the Miami Beach Redevelopment Agency for the Month of February 2002.

**ACTION: Written report submitted.**

- B Anchor Shops And Parking - Monthly Report On Parking Operations, Month Of February, 2002.

**ACTION: Written report submitted.**

## 3. NEW BUSINESS

**12:35:04 p.m.**

A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Awarding A Contract To The Tower Group, In The Amount Of \$7,195,069, Pursuant To Invitation To Bid No. 02-01/02, For The Construction Of The City Of Miami Beach Regional Library; Additionally Allocating Funds, In The Amount Of \$506,044, For The Project Contingency; And Appropriating Funds, In The Amount Of \$751,079, For Project Management By URS Corporation-Southern; Appropriating Funds, In The Amount Of \$107,333, For Project Concurrence Fees; And Appropriating Funds, In The Amount Of \$103,440, For Capital Improvement Projects (CIP) Office Management, From The Redevelopment Agency (RDA), Tax Increment 1998 Bonds, Series B. **Joint City Commission And Redevelopment Agency.**

**ACTION: Item heard in conjunction with item R7G. Resolution No. 414-2002 adopted.** Motion made by Commissioner Garcia to approve Administration's recommendation; seconded by Commissioner Cruz; Voice vote: 6-1; Opposed: Commissioner Steinberg. Patricia Walker to appropriate the funds. Christina Cuervo and Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, reviewed the City Commission action taken at the March 20, 2002 Commission Meeting. He stated that each of the three (3) lowest bidders were given an opportunity to identify three (3) additional projects which are most representative of the type / size the City requested in the bid. As outlined in the Commission Memorandum, City staff along with Alex Lamis (registered architect with Stern, the project architect), and URS staff (the City's Program Manager), visited each of the sites. He also stated that he personally visited the sites that were identified as being the most representative. Having personally visited the sites, the Manager stated that he feels that having seen the quality of workmanship he feels confident that Tower has demonstrated the experience in the type and size and quality the City is requesting.

Alex Lamis, gave a brief over of the type of work he does for his firm. He stated that he personally has completed working on about \$200 million dollars of public library projects. He stated that that includes the new main library project in Jacksonville (Florida), which is about a \$90 million dollar project and the Nashville, Tennessee library that is about a \$90 million dollar project. He has also worked on smaller library projects. He stated that he and his firm have a pretty good understanding of what's involved in the construction of a library. He gave an overview of library construction and talked about size and type.

Jorge Gonzalez informed the Commission that a bid protest letter was received yesterday from one of the unsuccessful bidders, SFCF.

Raul Aguila, First Assistant City Attorney, explained the issues involved in the protest.

Sylvester Lukis spoke on behalf of The Tower Group.

Carter McDowell, Esq. made a presentation on behalf of Regosa.

Raul Aguila, First Assistant City Attorney, responded to several statements made by Mr. McDowell.

Albert Dotson spoke on behalf of the Regosa Engineering, Inc.

Jerry Gillman, President, S.F.C.S., Inc. spoke on behalf of his firm.

Jose Gomero spoke on behalf of Regosa Engineering, Inc.

Handout or reference materials:

1. Internet email to Jorge Gonzalez, City Manager with a CC to the City Clerk dated March 14, 2002, RE: Request for consideration
2. Letter from Gus Lopez, Director of Procurement, to Jerry Gillman, President, S.F.C.S. Inc., dated March 21, 2002 RE: Invitation to Bid No 02-01/02 - Construction of the City of Miami Beach Regional Library.
  - a) Fax from Alexander Lamis, Partner, Robert Stern Architects, to Timothy Hemstreet, Special Assistant to the City Manager, dated April 8, 2002.
  - b) Letter from Jorge Gonzalez, City Manager, to Jerry Gillman, President, South Florida Construction Services (S.F.C.S. Inc.), dated April 9, 2002 RE: Bid No 02-01/02 Construction of Miami Beach Regional Library, City of Miami Beach's response to SFCS bid protest letter, dated April 6, 2002
3. Letter from Draguisa Gomero, President, Regosa Engineering, Inc., to Gus Lopez, Director of Procurement, dated March 29, 2002, RE: Invitation to Bid No 02-01/02 Construction of the City of Miami Beach Regional Library
4. Letter from Gus Lopez, Director of Procurement, to Anthony J. Burke, CEO, The Tower Group, dated April 5, 2002, RE: Invitation to Bid No 02-01/02 - Construction of the City of Miami Beach Regional Library
5. Letter from Draguisa Gomero, President, Regosa Engineering, Inc., to Jorge Gonzalez, City Manager, dated April 9, 2002
6. Fax from Alexander Lamis, Partner, Robert Stern Architects, to Timothy Hemstreet, Special Assistant to the City Manager, dated April 8, 2002, RE: Miami Beach Public Library: RAMSA #98.011 Review of Contractor Qualifications
7. Letters to Ms. Draguisa Gomero, Regosa Engineering, Jerry Gillman, SFCS, Anthony Burke, The Tower Group, William U. Ugarte, Gray Construction & Association, James R. Hewett, Hewett-Kier Construction, and Rey Viquez, Pentagon Construction, from Gus Lopez, dated April 5, 2002, RE: Invitation to Bid No 02-01/02 - Construction of the City of Miami Beach Regional Library
8. Documents submitted for the record by Carter McDowell. Documents listed as Documents 1 through 8.
9. Fax from Carter McDowell, Bilzin, Sumbert, et al, to Gus Lopez, Procurement Director, dated April 9, 2002, RE: Bid No. 02-01/02 - Construction of the City of Miami Beach Regional Library

Meeting adjourned at 10:44:40 p.m.

**End of RDA Agenda**